

BOARD OF FORESTRY

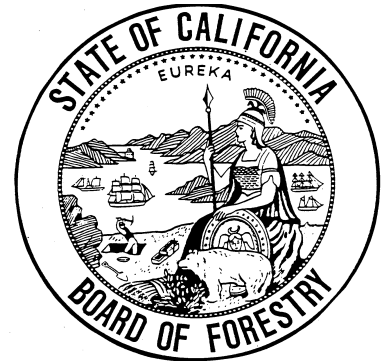
PROFESSIONAL FORESTERS REGISTRATION

P.O. BOX 944246

SACRAMENTO, CA 94244-2460

TEL. m (916) 653-8031

LICENSING NEWS



Vol. 17 No. 2

October 1998



LICENSING NEWS

Table of Contents

	Page
I. Board of Forestry	2
1. Board Member Submits Resignation	
2. Board Meets Throughout the State	
3. Monitoring Study Group Update	
4. Oak Woodland, Hardwood, and Urban Forestry RPF Survey	
II. CDF and Resource Agency Activities	6
1. New Rule Packages for 1999	
2. Long Term Forest Practice Summary	
3. 1998 to Date THP Summary	
4. Timber Harvesting Task Force	
III. Federal Issues	11
1. USFWS Declines to List Northern Goshawk	
2. Endangered Species "Box Score"	
3. USFS Regional Forester Announces Retirement	
4. USFS Undertakes Sierra Nevada Planning Process	
IV. RPFs and CRMs	14
1. RPF Examination Results	
2. Lost in the Woods	
3. Condolences	
4. RPFs and Geology	
V. Professional Foresters Examining Committee	17
1. Board Seeks Nominations for PFEC	
2. Disciplinary Actions	
VI. Awards	21
1. Francis H. Raymond Award for 1998	
2. Passing of Mrs. Raymond	
3. Golden Trowel Award for 1998	
VII. Continuing Education	24
1. Calendar of Courses and Conferences	
VIII. Appendix	26
1. Request for Francis H. Raymond Award Nominations	
2. PFEC Nomination Form	

I. Board of Forestry

1. Board Member Submits Resignation

Citing a change of employment, William E. Snyder tendered his resignation from the Board of Forestry, effective July 17, 1998. Mr. Snyder had served on the Board since 1995, representing the forest products industry and as a member of the Ecosystem Management Committee. With his acceptance of a position with the Department of Forestry and Fire Protection in the Amador-Eldorado Ranger Unit, Mr. Snyder was unable to continue serving in the membership category to which he was initially appointed. The Board expressed its thanks for a job well done, and its best wishes for Mr. Snyder's success in his new position with the Department.

At this writing, Governor Wilson has yet to nominate a replacement.

2. Board Meets Throughout the State

In its ongoing efforts to see the issues which impact forestry in California, the Board embarked on a series of meetings and field tours in various California locations this summer. Topics included fire protection, oak woodlands, and cumulative impacts. Meeting locations, Board issues, and tour topics included:

May 1998 – Riverside, CA

Meeting- Hearing to amend 14 CCR §1092, 1092.1, 1992(f) and 1092.9(n); appointment of J.R. McCollister to the Range Management Advisory Committee.

Tour – Sierra-South Operations Coordination Center; Lake Matthews Fire Management Plan including the Orchard Reduction VMP; presentation on the Mountain Communities Firesafe Project and the Southwest Firesafe Council; observation of the results of the implementation of prescribed fire in the Santa Rosa Plateau Ecological Reserve.

June 1998 – Santa Barbara, CA

Meeting – Extensive discussions regarding the oak woodlands issue; biannual report of PFEC activities.

Tour – Urban interface land protection in the Montecito Fire District; Santa Barbara County Firesafe demonstration project; Santa Barbara Botanic Garden tour; a review of

oak woodlands including an on-site example emphasizing coordinated oak management in conjunction with vineyard operations.

July 1998 – Eureka, CA

Meeting – Report on possible modifications to 14 CCR §895, 895.1, 1038, 1038.1, 1052, 1052.1 and 1104.1 for consistency as ministerial projects; discussion of Santa Cruz County's request for amendments to 14 CCR §926 *et seq.*; extensive discussion of watershed items associated with Freshwater and Elk Creeks; approval of successful April 1998 RPF examinees.

Tour – On-site review of forest management strategies in the Freshwater and Elk Creek drainages with an emphasis on geology, watercourse conditions and cumulative watershed effects; the presentation of a Non-industrial Timber Management Plan on Elk Creek.

August 1998 – San Diego, CA

Meeting – Hearing to consider Santa Cruz County request for appeal of THP 1-98-050 SCR; approval of a 45 day notice reflecting proposed amendments to winter period rules language; approval of a 45 day notice to consider amendments to maximum sustained production language.

Tour - Presentations on Otay Mountain pertaining to coordinated fire, wilderness and immigration issues adjacent to the Mexican border; tour of the new Monte Vista ECC; demonstration of a Zone Operations fire fighting drill involving the Rainbow Conservation Camp and the Pendleton Fire Department; demonstration of the Sikorsky S-64 (Sky Crane) helicopter configured for fire suppression.

September 1998 – South Lake Tahoe, CA

Meeting – Announcement by the Department of Forestry and Fire Protection of the formation of the Timber Harvest Task Force; hearing to consider the petition from residents of Humboldt County requesting emergency action; hearing to consider the petition from residents of Humboldt and Mendocino Counties requesting emergency action; hearing to consider proposed amendments to 14 CCR §926 *et seq.*; hearing to consider proposed amendments to 14 CCR concerning non-discretionary projects.

Tour – Presentations on Mt. Pine Beetle activity in the Basin, the Lake Tahoe Basin Exemption process, and the USFS Pioneer Trail Project; review of lots subject to activities relating to the Tahoe Re-Green Project; observation of the results of cut-to-length logging and subsequent underburning to decrease fuel loading.

3. Monitoring Study Group Update

This report is an update on activities of the Monitoring Study Group (MSG) over the past several months. The MSG was formed by the Board of Forestry (BOF) to develop and implement a long-term monitoring program (LTMP) to assess the effectiveness of the Forest Practice Rules in protecting water quality. Our last report was in the June *Licensing News*.

The hillslope portion of the LTMP has been operating now for three field seasons. CDF and the BOF began the program on the North Coast in 1996, contracting with the Resource Conservation Districts (RCDs) in Humboldt and Mendocino Counties to collect field data on 25 randomly selected THPs in each county. For the 1997 and 1998 field seasons, CDF has directly hired a contractor to evaluate 50 randomly selected THPs statewide. In all cases, the plans have over-wintered from 1-4 years and quantitative information was collected on randomly selected road and skid trail segments, landings, watercourse crossings, and WLPZs. Where problems were noted, their impact to water quality was determined and implementation of pertinent Forest Practice Rules were rated. The 50 THPs from the 1997 contract have been finished this summer and the 50 THPs from the 1998 contract should be completed this fall.

The 1996 data has been input into our hillslope monitoring database and our contractor will input the 1997 and 1998 data this fall. We have developed most of the frequency count queries needed for summarizing the implementation and effectiveness data. MSG chair Tharon O'Dell has requested a presentation on MSG progress at the November BOF meeting and a formal written report for the Board this winter after all 150 THPs are entered in the database. We will also be able to incorporate the results from our 10 percent resample of THPs evaluated under the 1997 QA/QC contract. This work will allow us to assess the repeatability of the process.

Instream monitoring remains a part of the LTMP. The data collection phase of the Garcia River Cooperative Monitoring Watershed Project (MSG's pilot basin for instream monitoring) is underway. The goal is to collect baseline data that will allow long-term trends in instream conditions to be properly assessed. CDF has contracted with the Mendocino County RCD for this project. The RCD in turn has hired UC Cooperative Extension and Ms. Linda Vance, UC Davis doctoral candidate, to collect the field data suggested by Dr. Fred Euphrat in the Garcia River Instream Monitoring Plan. Linda has largely completed the first part of the project, working on 6 tributaries of the Garcia and installing longitudinal profiles, cross sections, water temperature data loggers, and collecting canopy measurements. Further work will include spawning surveys, sediment source area surveys, gravel composition and permeability samples, large woody debris surveys, and recruitment tree surveys. Fred's Instream Monitoring Plan can still be obtained by contacting Pete Cafferata, as can the Department of Fish and

Game's Instream Monitoring Handbook (call (916) 653-9455 or email at pete_cafferata@fire.ca.gov).

Finally, at the October MSG meeting held in Sacramento, the group decided that it would be appropriate to develop a "strategic plan" for monitoring that illustrates how the BOF/CDF will develop an integrated long-term plan. This fall we will be developing a draft document for review by MSG members.

4. Oak Woodland, Hardwood, and Urban Forestry RPF Survey

In June 1998, Professional Foresters Registration mailed a questionnaire to approximately 1450 Registered Professional Foresters and Certified Rangeland Managers. This survey was driven by a lack of demographics detailing the number of RPFs and CRMs who deal with (a) oak woodland management, (b) "other" hardwood management, and (c) urban forestry. The questions dealing with oak woodlands and hardwoods were formulated at the request of the Ecosystem Management Committee of the Board of Forestry.

As of August 1998, Professional Foresters Registration had compiled 890 returned questionnaires, representing a 61% response rate. The questions, and distribution of responses, is summarized below:

Question One:

"As a function of your current duties or services offered, are you actively involved with landscape planning or management within the **oak woodland** forest type? If you answered yes, what is your estimation of total time devoted to this area of expertise?"

No:	67.8%
Yes:	32.2%

Percent of total time devoted to this area of expertise:

< 20%:	78.2%
21-40%:	11.6%
41-60%:	4.2%
61-80%:	5.3%
>80%:	0.7%

Question Two:

"As a function of your current duties or services offered, are you actively involved with landscape planning or management with **other hardwood** forest types? If you answered yes, what is your estimation of total time devoted to this area of expertise?"

No: 59.1%
Yes: 40.9%

Percent of total time devoted to this area of expertise:

< 20%: 78.2%
21-40%: 11.6%
41-60%: 4.2%
61-80%: 5.3%
>80%: 0.7%

Question Three:

“As a function of your current duties or services offered, do you actively practice urban forestry? If you answered yes, what is your estimation of total time devoted to this area of expertise?”

No: 72.7%
Yes: 27.3%

Percent of total time devoted to this area of expertise:

< 20%: 67.7%
21-40%: 17.8%
41-60%: 5.4%
61-80%: 5.0%
>80%: 4.1%

While no claim is made regarding the statistical accuracy of the survey, both the PFEC and the Ecosystem Management Committee felt the poll was of value as an indicator of how needs in these areas are being served. A complete summary of this survey is available upon request from Foresters Licensing. Included in the summation are all comments received.

II. CDF and Resource Agency Activities

1. Forest Practice Rule Amendments Effective January 1, 1999

During the year, the Board of Forestry adopted five rule packages, four of which have been approved by the Office of Administrative Law and will become effective January 1,

1999. A mass mailing will be sent out by CDF to all RPFs containing the complete rule language, in early 1999.

1. **Timber Operator Licensing** - The Board made extensive changes to the rules pertaining to the application and renewal process for Timber Operator's licenses. The new rule package also defines qualifying experience and establishes regulations pertaining to the maintenance of an insurance policy.
2. **Plan Approval** - The Board amended sections of the Rules to clarify that the Director is not required to disapprove plans when an otherwise legal Timber Harvesting Plan (THP or PTHP) is proposed which is in accord with approved wildlife agency "incidental take" procedures, and provides for the disclosure of a "no take" or an "incidental take" within a PTHP. The Rule package also eliminates the requirement to adhere to specific survey protocol for marbled murrelets, and provides other minor clarifying language regarding adverse impacts.
3. **Tractor Operations** - The Board approved a non-substantive change to Section 954.2 to correct a 1991 printing error.
4. **PTEIR/PTHP** - The Board amended the Rules under Section 1092 *et. seq.* to permit multiple landowners to submit plans under the PTEIR/PTHP process.

In addition to the above Rule packages, the Board approved the following additional change to the Rules at a hearing conducted in October. The Rule changes have not been approved by the Office of Administrative Law at this time, but are expected to be approved and become effective January 1, 1999.

5. **Maximum Sustained Production** - The Board amended the Rules to extend the time period to demonstrate MSP through compliance with Section 913 [933, 953].11(c) (MSP Option "c") through December 31, 1999. The Rule change also allows timberland owners of greater than 50,000 acres to conduct operations pursuant to Section 913.11 [933, 953].11(a) (MSP Option "a") as long as the SYP or the demonstration of achievement of MSP pursuant to option "a" has not been returned unfiled or has been approved.

Three other Rule change packages are being considered for adoption effective January 1, 1999. However, no decision has been made by the Board at this time and a hearing on each is scheduled for the final Board of Forestry meeting in November of this year. The following proposals will be heard at that time:

1. **Non-discretionary Projects** - Brings the Rules into conformance with other State laws regarding non-discretionary projects.
2. **Winter Operations** - Clarifies the Winter Operating Period and defines those activities required one month before and one month after the winter period.

3. **Santa Cruz County Rules** - Proposes extensive changes to the Rules including changes in the notification requirements, and in the timber harvesting plan preparation, operation, and inspection processes.

FOREST PRACTICE											
1988 - 1997 ANNUAL STATISTICS											
YEAR	Number of THPs Approved	Acres in THPs (M Acres)	Number of Exemptions	Number of Emergency Notices	Number of NTMPs	Volume Harvested MMBF	Value of Harvest \$MM	Number of LTOs	Number of Inspections & PHIs	Number of Notices of Violation	Number of Misdemeanor Actions
1988	1,360	374	979	187	XXX	2,598	\$411	1,385	8,785	508	57
1989	1,548	334	1,041	429	XXX	2,637	\$502	1,431	7,799	1,075	100
1990	1,357	364	1,771	532	XXX	2,673	\$639	1,666	8,356	1,241	118
1991	825	374	1,646	358	4	2,064	\$464	1,683	6,858	1,049	71
1992	929	305	3,284	904	Not availbl	2,124	\$681	1,804	8,485	882	83
1993	1,150	279	6,964	1,115	"	2,263	\$1,024	1,975	10,783	1,196	90
1994	1,240	254	7,048	584	"	1,979	\$955	2,241	10,593	1,367	173
1995	1,221	255	4,008	410	"	1,929	\$802	2,260	8,389	1,243	158
1996	1,242	360	3,614	237	47	1,985	\$819	2,266	7,898	980	118
1997	1,008	223	3,331	211	51	1,935	\$803	1,895	7,747	973	69
TOTALS	11,880	3,122	33,686	4,967	102	22,187	\$7,100	18,606	85,693	10,514	1037

3. 1998 to Date THP Summary

CALENDAR YEAR 1998

TIMBER HARVESTING INFORMATION THROUGH SEPTEMBER

Note: This information is for THPs, Exemptions, and Emergencies submitted to the Department during a calendar year. The numbers are the cumulative totals for the calendar year as of the end of the specified month.

	COAST CASCADE				SIERRA SOUTH					
	Santa Rosa		Redding		Riverside		Fresno		Total	
	98	97	98	97	98	97	98	97	98	97
YEAR COMPARISON	98	97	98	97	98	97	98	97	98	97
THPS RECEIVED	356	423	296	318	0	2	102	134	754	877
PREHARVEST INSPECTIONS	408	291	258	280	0	2	85	106	751	679
THPS NOT FILED (RETURNED)	92	87	25	56	0	0	29	29	146	172
THPS WITH NON-CONCURRENCES	3	9	0	0	0	0	0	0	3	9
THPS APPROVED	304	358	269	267	0	2	86	104	659	731
THPS DENIED	1	2	0	0	0	0	0	0	1	2
ACREAGE IN APPROVED	46,462	47,740	94,531	87,003	0	120	10,854	14,195	151,847	149,058

THPS										
EMERGENCY NOTICES	19	30	67	74	0	0	9	35	95	139
EXEMPTION NOTICES	659	603	1,118	1,437	5	30	472	752	2,254	2,822
NONINDUSTRIAL TMPS RECEIVED	32	34	6	4	0	0	2	2	40	40

EXEMPTIONS

AREA	< 3 ACRE CONVERSION	FIRE HAZARD	OTHER
Santa Rosa	70	225	364
Redding	127	647	344
Fresno	80	236	156

4. Timber Harvesting Task Force

The Director of Forestry and Fire Protection appointed an internal Task Force in September 1998 to facilitate watershed level approaches to timber harvesting issues and to improve communications between Review Team agencies and others. Members of the Task Force include Dr. Bill Stewart, John Munn, Norm Hill, Dean Cromwell, Marc Jameson, Bill Snyder, and Tom Hoffman. The Task Force has been working by conference call sessions. Most of the focus to date has been on developing suggestions to improve cooperation with other Review Team agencies. The Task Force has also identified several areas within CDF that can benefit from further review, including the coordination and use of GIS data and improving THP quality.

More specifically, in conjunction with the Division of Mines and Geology, the Task Force will be exploring ways to improve the assessment of mass wasting and unstable areas, including the possible development of a training program for RPFs that will be consistent with State Laws governing the practice of geology .

The Task Force is also working with the Department of Fish and Game (DFG). DFG has announced a reorganization plan and DFG will be assigning a team of its staff from several new divisions to work with the Task Force. CDF has requested consultation from DFG that will lead to watershed level biological opinions that will assess the status of salmonids, identify limiting factors, and indicate the kinds of management measures that could address DFG concerns. This would be done in conjunction with ongoing THPs and could be used as a source of information to RPFs preparing plans as examples of a THP in each watershed that would meet DFG concerns. The coverage of watersheds will increase as DFG staff becomes available. The Task Force is also working to develop common training programs for CDF and DFG biologists that review timber harvest plans and ultimately for the RPFs that develop THPs.

With the State Water Resources Control Board and the North Coast Board, the Task Force is working on several items of joint concern. These include joint GIS database development and continuing concerns by staff over the adequacy of existing forest practice rules. As a result of Task Force discussions, CDF has appointed an internal working group to be involved more strongly in TMDL development on the North Coast.

Task Force sessions will continue into the foreseeable future.

III. Federal Issues

1. USFWS Declines to List Northern Goshawk

The U.S. Fish and Wildlife Service announced in June that the northern goshawk in the western United States did not qualify for addition to the federal endangered species list, at that time.

In response to a U.S. District Court ruling, the Service completed a status review and issued a “not warranted” 12 month finding for the northern goshawk. The Service found no evidence of declining population trends for goshawks. In general, the available data indicate that goshawks remain widely distributed throughout the western United States. The Service found no evidence to indicate that goshawk populations are declining, that goshawk habitat in the western U.S. is limiting the population throughout this area, or that a significant curtailment of the species habitat or range is occurring.

A 1991 petition, submitted by the Maricopa Audubon Society, Arizona Audubon Council, Mesilla Audubon Society, Forest Guardians, Friends of the Owls, Greater Gila Biodiversity Project, HawkWatch, Rio Grande Chapter of the Sierra Club, and the Southern Utah Wilderness Alliance, to list the northern goshawk as threatened or endangered in the forested United States west of the 100th meridian, relies largely on a belief that the goshawk is dependent on large, unbroken tracts of old growth and mature forest. Neither the petition nor other information available to the Service supported this claim. The Service found that while the goshawk does typically use mature forest or larger trees for nesting, it appears to be a generalist in terms of the variety of types and age classes of forest habitats it will use.

2. Endangered Species “Box Score”

GROUP	ENDANGERED		THREATENED		TOTAL LISTINGS	U.S. SPECI W/ PLANS
	U.S.	FOREIGN	U.S.	FOREIGN		
MAMMALS	59	251	8	16	334	43
BIRDS	75	178	15	6	274	77
REPTILES	14	66	20	14	114	30
AMPHIBIANS	9	8	7	1	25	11
FISHES	68	11	39	0	118	79
SNAILS	15	1	7	0	23	19
CLAMS	61	2	8	0	71	45
CRUSTACEANS	16	0	3	0	19	7
INSECTS	28	4	9	0	41	21
ARACHNIDS	5	0	0	0	5	4
ANIMAL SUBTOTAL	350	521	116	37	1024	336
FLOWERING PLANTS	525	1	114	0	640	408
CONIFERS	2	0	0	2	4	1
FERNS AND OTHERS	26	0	2	0	28	26
PLANT SUBTOTAL	553	1	116	0	672	435
GRAND TOTAL	903	522	232	39	1,696*	771

TOTAL U.S. ENDANGERED: 903 (350 animals, 553)

TOTAL U.S. THREATENED: 232 (116 animals, 116 plants)

TOTAL U.S. LISTED: 1135 (466 animals***, 669 plants)

*Separate populations of a species listed both as Endangered and Threatened are tallied once, for the endangered population only. Those species are the argali, chimpanzee, leopard, Stellar sea lion, gray wolf, piping plover, roseate tern, green sea turtle, saltwater crocodile, and olive ridley sea turtle. For the purposes of the Endangered Species Act, the term “species” can mean a species, subspecies, or distinct vertebrate population. Several entries also represent entire genera or even families.

**There are 488 approved recovery plans. Some recovery plans cover more than one species, and a few species have separate plans covering different parts of their ranges. Recovery plans are drawn up only for listed species that occur in the United States.

***Five animal species have dual status in the U.S.

3. USFS Regional Forester Announces Retirement

Following a 38 year USDA Forest Service career that took him from smokejumper to the agency's top leadership post in California, Pacific Southwest Regional Forester Lynn Sprague announced his retirement, effective December 3, 1998.

Sprague worked as a smokejumper during the summers of 1959 through 1962, fighting fires from an airbase in McCall, Idaho. After earning a B.S. degree in forestry from Oregon State University and an M.S. from Colorado State University, his first permanent job with the Forest Service was in 1963 doing timber inventory staff work. He held district ranger posts in Wyoming, Utah and Idaho between 1969 and 1976, and then returned to Utah as Assistant Director of Recreation at the Intermountain Regional Office. In 1979, Sprague became supervisor of the Modoc National Forest. Following several upper management positions in Washington, D.C. and Alaska, he was appointed Regional Forester for the Pacific Southwest Region in 1994.

At this time, no successor has been named.

4. USFS Undertakes Sierra Nevada Planning Process

Region Five is currently undertaking a renewed planning effort which will result in management direction for the ten National Forests in the Sierra Nevada and Cascade Mountain ranges of California.

In late July, the Forest Service's Pacific Southwest Research Station Director, Hal Salwasser, provided Regional Forester Lynn Sprague with a complete peer-reviewed report that synthesized new scientific information pertinent to this process. Sprague reviewed this information and the report was then released to the public for comment. This process is unique in that the public was given the opportunity to submit informal input prior to publication of the formal notice in the Federal Register at the end of October. The notice will include more specific information regarding the proposal, decision-making process and schedule. Additionally, it will also articulate the Service's intent to change management direction and amend land management plans for the Eldorado, Inyo, Lassen, Modoc, Plumas, Sequoia, Sierra, Stanislaus and Tahoe National Forests, and the Lake Tahoe Basin Management Unit.

For 60 days beginning on the publication date, the Forest Service will welcome any additional information from the public that it feels the Service still may not have at that time, as well as any issues regarding changes in management direction.

"We plan to publish a draft Environmental Impact Statement (EIS) by late February of 1999, with the final EIS and decision by late July that same year", Sprague said. "Concurrent with this near-term planning on national forests, we're working on a long-term conservation framework, developed through collaboration with all interests and landowners across the entire mountain range, to care for all these lands into the 21st century."

Additional information about the planning process and opportunities for public involvement is available through the Region's website at: "www.rs.fs.fed.us"

IV. RPFs and CRMs

1. RPF Examination Results

The first RPF examination of 1998 took place on April 17, 1998. Of the 56 applicants taking the examination, 21 (38%) were successful. Congratulations to those who passed! The Board of Forestry approved the following as Registered Professional Foresters at its July 1998 meeting:

Matthew Chuela	RPF #2611	Michael Bradley	RPF #2612
Michael Atkins	RPF #2613	David Hope	RPF #2614
Matthew Bissell	RPF #2615	Adam Wyman	RPF #2616
Kimberley Tiesen	RPF #2617	Kurt McCray	RPF #2618
Gregg Goodman	RPF #2619	Roger Sternberg	RPF #2620
Kirk O'Dwyer	RPF #2621	Wayne Rice	RPF #2622
Chris Quirmbach	RPF #2623	David Irion	RPF #2624
Frank Mulhair	RPF #2625	Geoffrey Kaeberle	RPF #2626
James Robbins	RPF #2627	Christopher Carroll	RPF #2628
Mike Marvier	RPF #2629	Michael Tadlock	RPF #2630
Kenneth Kendrick	RPF #2631		

2. Lost in the Woods

The following RPFs and CRMs have moved and not notified us of their new addresses as required by Section 1606, Title 14, California Code of Regulations, or have not responded to correspondence from Professional Foresters Registration. If you know of their whereabouts, contact Foresters Licensing or have them contact us at (916) 653-8031.

Richard Delmas	CRM #69	James Oden	RPF #1435
Jacques Denoeu	RPF #2051	Lawrence Rankin	RPF #765
Jay Hinshaw	CRM #71	Marya Robbins	CRM #33
Dawn Lawson	CRM #68	Steve Tarnay	RPF #1690
Charles Lowrie	RPF #865	Tommy Thompson	RPF #1799

3. Condolences

For those of you who have not heard, some of our fellow RPF's have passed away since the last issue of "Licensing News". Our sympathy to the family and friends of each.

Will Ellington	RPF #68	Mervin Parker	RPF #960
Robert King	RPF #850	Clinton Phillips	RPF #14
Charles Lewis	RPF #908	Richard Toutges	RPF #162

4. RPFs and Geology

Board of Forestry regulations include a number of sections that require the RPF to provide information about unstable areas that are encountered in the area covered by a Timber Harvesting Plan or other such harvest instrument. This responsibility is but one portion of a landscape-based review required of an RPF in the preparation and submission of such harvesting plans or other forest landscape management plans. This is consistent with the purpose of the Professional Foresters Law (PRC §751) which, in part , states "...to provide for the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment." In a 1990 opinion, the Attorney General's office wrote, "In adopting the Professional Foresters Law, the Legislature seems to have adopted the broadest generic term for the resource or resources to be protected."

In fulfilling such responsibilities, however, the RPF must also be cognizant of other professional licensing programs in which the State has established similar professional responsibilities and privileges. The RPF must keep in mind PRC §752 which states, in relevant part, "A professional Forester is licensed to perform forestry services only in those areas of expertise in which the person is fully competent as a result of training or experience. In order for a professional forester to fulfill all of his or her responsibilities with regard to a particular activity on a site, if the expertise that is prudently required exceeds the expertise possessed by the professional forester in that regard the professional forester may need to utilize the service of other qualified experts including but not limited to: archaeologist, botanists, civil engineers, ecologists, fisheries biologists, geologists, hydrologists, land surveyors, landscape architects, range scientists, soil scientists, or wildlife biologists."

Title 16 of the California Code of Regulations (16 CCR) §3003 defines "Professional Geological work" as work "performed at a professional level rather than at a subprofessional or apprentice level and requires the application of scientific knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth." The Code excludes from the definition routine activities "where the elements of initiative, scientific judgment and decision

making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data.”

Thus, an RPF is required to identify unstable areas by Board rules, but the classification of such areas, description of the geologic mechanics, slope stability interpretation and project mitigation may lie within the responsibilities of a registered geologist or engineering geologist. The Board of Registration for Geologists and Geophysicists recognizes that it is unreasonable to expect all THPs undergo a field review by a licensed geologist prior to submission, there are simply too many projects and the benefits of such a requirement is questionable. The RPF is responsible for the recognition of unstable areas and, if appropriate for the project, retain the services of a licensed geologist or engineering geologist to provide mitigation for geologic hazards. If the RPF is uncertain about the identification of unstable ground, the recency of movement, or the potential for future movement, it is appropriate to consult with a licensed geologist.

Department Conservation, Division of Mines and Geology personnel who are involved with THP review have indicated that, in general, RPFs have been performing well in providing the appropriate information in THPs without crossing the line into the practice of geology. There have, however, been some notable failures; both in providing geologic reports without being appropriately licensed and in failing to identify unstable areas on proposed operations.

Regional scale documents such as SYPs and PTEIRs deserve particular attention. These plans are regional evaluations that include assessments of slope stability. Use of a licensed geologist in such assessments should be the rule, not the exception.

It is the RPFs responsibility to assure his or her professional work conforms to the expectations established in the Professional Foresters Law. That responsibility extends, by definition, to other professional registration programs such as that provided in the Geologist and Geophysicist Act.

Specific information on the Geologist and Geophysicist Act and its regulations can be obtained from:

State Board of Registration for Geologists and Geophysicists
2535 Capitol Oaks Drive, Suite 300A
Sacramento, CA 95833-2926

Telephone: (916) 263-2113

“www.dca.ca.gov/geology”

V. Professional Foresters Examining Committee

1. Board Seeks Nominations for PFEC

The Board of Forestry is soliciting nominations for to upcoming vacancies on the Professional Foresters Examining Committee (PFEC). PRC §763 establishes the PFEC as a committee of the Board of at least seven members, distributed as follows:

1. Two public members with one selected from the membership of the Board.
2. At least four Registered Professional Foresters (RPFs) representing a broad cross section of employment and expertise, and
3. At least one certified specialist pursuant to PRC §772.

Currently, there are six RPFs (including the public member from the Board), one public (non-RPF) member, and one Certified Rangeland Manager serving on the PFEC.

The PFEC serves at the pleasure of the Board. The PFEC is charged with the examination of individuals for registration as RPFs. It initiates and monitors investigations into complaints made against RPFs, and recommends appropriate disciplinary action to the Board pursuant to 14 CCR §1612. The PFEC also provides oversight for the specialty certificate programs adopted by the Board.

PFEC members serve a four year term. The PFEC currently meet about every six weeks as necessary depending on the level of licensing and disciplinary activity.

There are two positions to be filled effective January 15, 1999. Doug Ferrier is an RPF who is self-employed as a consultant, and Monte Bell is a CRM also involved in consulting.

In the back of this issue of *Licensing News* is a nomination form. You may mail or FAX this form to the Board.

Board of Forestry
P.O. Box 944246
Sacramento, CA 94244
[FAX] (916) 653-0989

Nominations must be received no later than December 1, 1998 at 5:00 pm.

2. Disciplinary Actions

CASE NUMBER:

193

RPF:

**Mr. Jarrold B. Cone
Yreka, CA**

ALLEGATION:

The complaint alleges Mr. Cone failed, in the submission of several Emergency Notices, to request an archaeological records check at the appropriate Information Center. An allegation was made that Mr. Cone failed to conduct an adequate field survey for archaeological and historical resources on two areas for which Emergency Notices were submitted. Also, Mr. Cone failed to submit any required documents for two timber operations for which the landowners anticipated Emergency Notices to be filed.

DISCIPLINE:

Mr. Cone and the Board of Forestry entered into a stipulated agreement wherein Mr. Cone admits to failures in RPF responsibility to provide for archaeological records checks prior to the submission of Emergency Notices. Also, Mr. Cone admits to having failed to assure proper filing of Emergency Notices; he had prepared the required documents but had given them to the LTO for submission which was not done prior to operations. Mr. Cone also admits to failure to adequately survey two areas subject to Emergency Notices he prepared and submitted.

Based on the foregoing, Mr. Cone's license to practice forestry as a professional was suspended for a period of sixty (60) days, with thirty (30) days actual suspension and the remaining thirty (30) days stayed (probation) for a period of eleven (11) months after the actual suspension. During the total period of the Board's order, Mr. Cone agreed to comply with all laws and regulations relating to the professional practice of forestry. In addition, Mr. Cone was to successfully complete the Department of Forestry's full three-day Archaeology Training subsequent to the identified failures. Also, Mr. Cone was to provide proof of review, by an independent professional archaeologist, of three of his projects which, under Board rules, would require an archaeological review be made.

At the end of the agreed probationary period, Mr. Cone had not completed the conditions of that probation. Subsequently, Mr. Cone waived his right to an additional hearing regarding this failure, and the full sixty (60) day term of suspension was imposed.

CASE NUMBER:

201

ALLEGATION:

The complaint alleged RPF failures associated with several Timber Harvesting Plans (THP) including: failure to supervise operations (14 CCR §926.1), misrepresentation of an easement, trespass, failure to identify all timber/timberland owners (14 CCR 1034(a), 14 CCR §1034(b)), and the failure to identify one project within the cumulative impacts analysis portion of a THP (14 CCR §912.9(1)).

DISCIPLINE:

The PFEC has completed its review of the case and has determined there was insufficient evidence to support disciplinary action by the Board of Forestry. Although the PFEC did not recommend censure by the Board of Forestry, it did determine that there were actions by the RPF relative to the identification of all timber/timberland owners that could lead to serious failures of professional responsibility as well as the potential for significant environmental harm. The RPF was exonerated on all other allegations relative to this complaint. As a result, the PFEC issued a **Confidential Letter of Concern** to the RPF.

CASE NUMBER:

242

RPF:

**William D. Solinsky, RPF 2297
McKinleyville, CA**

ALLEGATION:

The complaint alleged that the RPF misrepresented the condition of existing remedial work situated in a Class I watercourse within the Watershed Assessment Area of a THP. (14 CCR §912.9) Specifically, the RPF noted several fisheries enhancement projects within the Assessment Area, but outside of the actual THP boundaries. The Cumulative Impacts Assessment section of the THP included a three page list of "Fisheries Enhancement Work" projects, dated ten days prior to the submission of the THP for filing. This list characterized the condition of seventy-two (72), of the total of eighty four (84), projects as "functioning". In fact, following a major storm event seven months prior to THP submission, only one of the eighty-four projects was in place and functioning. The absence of these functioning projects was attributed to major landslide events which resulted from this storm. While this storm event was known to the RPF, its occurrence and subsequent impacts were not addressed in the THP.

DISCIPLINE:

Mr. Solinsky and the Board have entered into a stipulated agreement wherein Mr. Solinsky admits to negligently misrepresenting the condition of the above referenced enhancement projects.

Based on the foregoing, Mr. Solinsky's license to practice forestry as a professional was suspended for a period of fifteen (15) days. Taking into account Mr. Solinsky's attendance at a recent watershed / mass wasting workshop and the absence of prior disciplinary issues, the total period of suspension was stayed (probation) for six (6) months, resulting in a total period of the Board order of six (6) months. During the total period of the Board's order, Mr. Solinsky agrees to comply with all laws and regulations relating to the professional practice of forestry. In addition, Mr. Solinsky shall implement a continuing education program leading to the successful completion of thirty (30) hours of Category 1 Continuing Forestry Education as certified by the Society of American Foresters prior to full reinstatement. This program shall include completion of the "Watershed Academy for RPF's" course offered through the University of California Extension.

CASE NUMBER:

257

ALLEGATION:

The complaint alleged RPF failure associated with a single Timber Harvesting Plan (THP) regarding the incomplete submission of all names and mailing addresses of property owners within 300 feet of the plan boundary. (14 CCR §1032.7(e)).

DISCIPLINE:

The PFEC has completed its review of the case and has determined there was insufficient evidence to support disciplinary action by the Board of Forestry. Although the PFEC did not recommend censure by the Board of Forestry, it did determine that there were actions by the RPF relative to the identification of all adjacent landowners within 300 feet of the plan boundary that could lead to serious failures of professional responsibility as well as circumventing the requirements for public notice in the THP process. As a result, the PFEC issued a **Confidential Letter of Concern** to the RPF.

VI. Awards

1. Francis H. Raymond Award for 1998

The Board of Forestry has awarded the 1998 Francis H. Raymond Award to Frank M. Barron, RPF #2007. This award is presented annually to an individual or organization for outstanding contributions to forestry in California. The award is based on the contribution of the nominee over the previous five years. The award has three primary criteria to be evaluated:

- Outstanding contribution to forestry in California, including but not limited to public awareness, educational accomplishments, or to technical advancements in forestry.
- Extent to which the contribution exceeded what is normally expected of an individual, group, company or organization in similar circumstances.
- Difficulty and/or complexity of the contribution including: conditions, constraints of time, money, staff, public exposure, and originality.

Frank is an RPF employed by Crane Mills in Corning, California. Through his development and production of the “Sixty Second Forester” radio spots, Frank has raised the awareness of many Californian’s concerning forestry issues. These spots have been described as: “A remarkable distillation of complex forestry issues clearly presented in a calm and reasoned manner”. Frank’s radio career began with appearances on local radio talk shows during the state forestry initiative battles in 1990. Since then, he has gone on to produce nearly 400 spots covering such diverse forestry topics as: “What is a forest?” to “Timber Supply – Harvest Trends”.

Frank resides in Corning with his wife Kathie and their five children. Additionally, Frank is actively involved with the California Licensed Foresters Association, the Society of American Foresters, and the California Alumni Foresters.

Board of Forestry Chairman Robert Kerstiens presents the 1998 Francis H. Raymond Award to Frank Barron aboard the Tahoe Queen on Lake Tahoe, September 1, 1998.



2. Passing of Mrs. Francis H. Raymond

Muzelle M. Raymond, widow of former State Forester Francis H. Raymond, passed away on September 29, 1998 at the age of 89. A memorial service was held on October 24, 1998, in Sacramento. Mrs. Raymond was frequently in attendance at the Award presentations, as well as a regular contributor to the endowment perpetuating the Award fund. Professional Foresters Registration extends its sincere condolences to the Raymond family.

3. The 1998 Golden Trowel Award

The Board of Forestry and CDF jointly present an annual award to recognize superior accomplishments in archaeological site stewardship. Designated the *Golden Trowel Award for Excellence in Archaeological Stewardship*, recipients are given an engraved plaque with a *Marshalltown Trowel* by Board Chairman Robert Kerstiens in recognition of outstanding achievements in the identification, documentation, and protection of California's archaeological resources. A perpetual plaque bearing the name of all previous award recipients is permanently displayed at the Board office in Sacramento. These awards symbolize the effective integration of archaeological site identification and management into the practice of professional forestry within California and call attention to the Board-Certified program of archaeological training for resource professionals. This program has become recognized as one of the most successful archaeological training programs of its type in the country.

Persons eligible to receive the Board's *Golden Trowel Award* include timberland owners, foresters, biologists, soils scientists, fire fighters, timber operators, and other forestry personnel. Fourteen people have been recognized since its creation in 1989. These include four consulting foresters, one forestry firm, three private industrial foresters, one CDF Battalion Chief, and five CDF foresters. This year, the Board will give the 1998 *Award* to RPF Nicholas Kent and Biologist Gordon Ponting. The presentation will be made at the November Board of Forestry meeting in Sacramento.

Nicholas (Nick) Kent, RPF #2418, received his B.S. in Wildland Management from

Humboldt State University in 1982, and his M.F. from the University of Idaho in 1985. Nick has worked as a timber sale appraiser for Bohemia Inc. of Eugene, Oregon, and has written THPs and administered harvest operations for various forestry consulting firms in Mendocino and Humboldt counties. Nick operates his own consulting firm serving timberland owners located primarily in Mendocino and Sonoma Counties. He is an active player in professional forestry, having been elected Vice-Chairman of the California Chapter of the Association of Consulting Foresters of America. He is also active in CLFA and Forest Land Owners of California. Through his activities in these professional forestry groups, Nick has demonstrated remarkable skills in demystifying archaeology to both fellow foresters and timberland owners. He explains and demonstrates the requirements for the conduct of archaeological surveys, the preparation of confidential documents, and the management of sites in ways that foster acceptance of the rules. Nick's unparalleled success as an ambassador for archaeology has resulted in the identification and complete protection of dozens of highly significant prehistoric sites, such as housepit villages, petroglyph boulders, and chert quarries. He has a remarkably keen ability to distinguish prehistoric chert quarries from natural chert deposits. The identification of prehistoric chert quarries in the North Coast of California is considered one of the most difficult skills in archaeological site survey. Nick has found several of these important sites.

Gordon Ponting is a professional biologist residing in Susanville. Gordon is one of the scientists at Pacific Northwestern Biological (PNWB) conducting biological investigations for Timber Harvesting Plans, and has taken an active role in the archaeological surveys of his THPs. Ponting recently made one of the most significant archaeological discoveries in the Northern Sierra Nevada region. He found a prehistoric campsite at 8400 feet, covered with projectile points and hundreds of other stone tools and chipping waste fragments, in perfect, undisturbed condition. The location proved to be just outside his THP on the Tahoe National Forest. The USFS was so impressed by the significance of this site, the circumstances of its discovery and the enthusiastic participation by Ponting that they notified CDF of this remarkable find and suggested that his outstanding work be recognized.

Gordon was also recently involved in another major discovery – that of an ancient human skeleton eroding out of a stream bank in Lassen County. The ancient bones, found beneath 10 feet of alluvial fill, were recently discovered by the son-in-law of the landowner. Gordon immediately recognized the significance and antiquity of the burial and convinced the landowner of the need to notify the county coroner and the local Native Americans. He made arrangements for professional archaeologist Francis A. Riddell to visit the site and confirm that the bones were indeed human. Riddell has reported that the bones are probably at least 4000 years old, and possibly more than twice that age. If so, this could prove to be the oldest human burial ever found in northeastern California and of tremendous scientific importance. The local Native Americans are involved in the investigation and will ultimately share in the decision regarding the proper disposition of the remains. This discovery would never have reported if not for Gordon, who acted as intermediary between the landowner and the professional archaeologist.

Both Nick and Gordon demonstrate how significant archaeological sites are being found and protected during forestry projects in California, in most cases, without undue cost to landowners or change in harvesting systems.



1998 Annual Golden Trowel Award winners: Gordon Ponting and Nick Kent.

VII. Continuing Education

1. Calendar of Courses and Conferences

Date	Program	Location/Sponsors	Contact
1998			
November 4	Using Prescribed Fire as a Vegetation Mgmt. Tool	Galt	1-800-752-0881
November 5	California Section of the Society for Range Management Fall Meeting	Chico	530-898-4568
November 6	CLFA Boundary Workshop	Redding	Hazel Jackson 209-293-7323
November 11-13	Facilitating and Mediation Effective Environmental Agreements	Berkeley	510-649-8008

November 11-12	Forest Business and Tax Series	Ashland, Oregon	541-737-2329
November 13	EIR/EIS Preparation and Review	Davis	1-800-752-0881
November 16-19	The Role of Information Technology in Fire Management	San Diego	530-757-8948
November 17-18	Integrated Vegetation Management Conference	Portland, Oregon	541-737-2329
November 18-19	Forest Fragmentation: Wildlife and Mgmt. Implication	Portland, Oregon	541-737-2329
November 18-20	Advanced Variable Probability Sampling	Corvallis, Oregon	541-737-2329
November 19	GIS: An Introduction	Davis	1-800-752-0881
December 1-3	Monitoring for Forest Land Managers: Managing The Process	Corvallis, Oregon	503-226-4562
December 3	CLFA RPF Exam Prep Seminar	Sacramento	Hazel Jackson 209-293-7323
1999			
January	Open enrollment period for CDF/CLFA Archaeological Training Sessions	TBA	Hazel Jackson 209-293-7323
January 11-15	Natural Resources Communication Workshop	Chico	530-898-5811
January 15-17	NorCal Society of American Foresters Annual Winter Meeting	TBA	510-834-8953
January 19-21	20 th Forest Vegetation Management Conference	Redding	530-224-4902
March 4	CLFA Watershed Assessment Workshop	Sacramento	Hazel Jackson 209-293-7323
March 5-6	CLFA Annual Conference (Forestry & The Media)	Sacramento	Hazel Jackson 209-293-7323

VIII. Appendix

1. Request for Francis H. Raymond Award Nominations

The State Board of Forestry is seeking nominations for the 1999 Francis H. Raymond Award. The annual award is given to the individual, organization, agency, or company who has contributed the most to the management of California's natural resources over the past five years.

The award is named in honor of Francis H. Raymond, former State Forester and father of the Professional Foresters Licensing Act.

The 1998 Award was presented to Frank Barron at a dinner in September aboard the Tahoe Queen in conjunction with the Board of Forestry meeting held in South Lake Tahoe. Frank is a forester for Crane Mills in Corning and the creator of the "Sixty Second Forester" series of radio spots dealing with forestry issues. These radio spots are a remarkable distillation of various complex forestry topics, all clearly presented in a calm and reasoned delivery style. Through October 1997, 382 of these spots have been produced, with Frank writing approximately two-third of them, and the balance being written by about a dozen guest contributors. Both the Northern California Chapter of the Society of American Foresters and the California Licensed Foresters Association have provided grants to produce tapes of these spots to be made available to radio stations. Board Chairman Bob Kersteins made the presentation before approximately 50 friends and colleagues of Frank's on Lake Tahoe.

Previous recipients of the award include Tad Mason of Pacific Wood Fuels, the late Gil Murray of the California Forestry Association, Kay Antunez of the Project Learning Tree Program, Gary Nakamura of UC Cooperative Extension, Bud McCrary of Big Creek Lumber Company, Andy Lipkis of TreePeople, Norm Pillsbury of Cal Poly San Luis Obispo, John Zivnuska of UC Berkeley, Ray Rice of the US Forest Service, Pete Passof of UC Cooperative Extension, Roseburg Resources, The Redwood Region Conservation Council, Jim Jenkinson of the US Forest Service, and Nancy Inmon of the Trees Are For People program.

Nominations are due to the Board of Forestry by December 15, 1998, and the selection will be made by the Nomination Review Committee in February, with the Award to be presented at a ceremony in late spring.

Nominations or additional information can be obtained from the California State Board of Forestry, P.O. Box 944246, Sacramento, CA 94244. Contributions to endow the Francis H. Raymond Award are greatly appreciated as the stipend depends on the interest earned from donations made to the Francis H. Raymond Fund.

PFEC Nomination Form

BOARD OF FORESTRY PROFESSIONAL FORESTERS EXAMINING COMMITTEE MEMBER NOMINATION FORM

Please use a separate sheet for each nominee. Additional sheets are available upon request. Mail to: Board of Forestry, P.O. Box 944246, Sacramento, CA 94244.

1. Name of Nominee: _____
2. Nominee Address _____

3. Nominee Telephone: Work: (____) _____ Home: (____) _____
4. Category of Membership: (public/RPF/specialist) _____
5. Brief resume of the nominee's background and qualifications which qualify him/her for the Committee. (Attach additional sheets if needed) _____

6. Why do you think the nominee should be selected for the PFEC? _____

7. PRINT name of Nominator: _____
SIGNATURE of nominator: _____
8. Address of Nominator: _____

9. Telephone Number of Nominator: Work (____) _____ Home: (____) _____
10. Group you represent, if any: _____